

AUG 16 2004
PATENT & TRADEMARK OFFICE
SCTY

| | | | |
|--|----|------------------------|-------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/788,666 |
| | | Filing Date | February 27, 2004 |
| | | First Named Inventor | Schenk, Dale B. |
| | | Art Unit | To be assigned |
| | | Examiner Name | To be assigned |
| Total Number of Pages In This Submission | 19 | Attorney Docket Number | 15270J-004748US |

| ENCLOSURES (Check all that apply) | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (1 pg., submitted in duplicate) | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC). | |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences | |
| <input checked="" type="checkbox"/> Preliminary Amendment (8 pgs) | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) | |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information | |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter | |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): | |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Application Data Sheet (2 pgs); | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> Copy of Power of Attorney (1pg, from Application No.: 09/322,289); | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> Copy of Statement Under 37 CFR 3.73(b) (1 pg, from Application No.: 09/322,289); | |
| <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application | <p>Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</p> <p>This paper is timely submitted on August 16, 2004 as August 15, 2004 fell on a Sunday.</p> | | |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|--|--|
| Firm or individual name | Townsend and Townsend and Crew LLP Rosemarie L. Celli | |
| Signature | <i>Rosemarie L. Celli</i> | |
| Date | August 16, 2004 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---------------------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 746-4060 on August 16, 2004. | | | |
| Typed or printed name | Rosemarie L. Celli | | |
| Signature | <i>Rosemarie L. Celli</i> | Date | August 16, 2004 |

60284059 v1

O I P E
AUG 16 2004
PATENT & TRADEMARK OFFICE
**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1826**Complete if Known**

| | |
|----------------------|-------------------|
| Application Number | 10/788,666 |
| Filing Date | February 27, 2004 |
| First Named Inventor | Schenk, Dale B. |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 15270J-004746US |

METHOD OF PAYMENT (check all that apply)

| | | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------|-------------------------------|
| <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Money Order | <input type="checkbox"/> Other | <input type="checkbox"/> None |
| <input checked="" type="checkbox"/> Deposit Account | | | | |
| Deposit Account Number | 20-1430 | | | |
| Deposit Account Name | Townsend and Townsend and Crew LLP | | | |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | 770 |
| 1002 840 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 180 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$)770 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|--------------|----------------|----------|
| Total Claims | 41 | -20** = | 21 X \$18 | =\$378 |
| Independent Claims | 6 | -3** = | 3 X \$88 | =\$264 |
| Multiple Dependent | | X | | =\$290 |

| Large Entity | Small Entity | Fee Description |
|---------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 88 | 2201 43 | Independent claims in excess of 3 |
| 1203 280 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 88 | 2204 43 | ** Reissue Independent claims over original patent |
| 1206 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$)929 |

**or number previously paid, if greater; For Reissues, see above

| FEE CALCULATION (continued) | | | | | |
|-----------------------------|--------------|-----------------------------------|-------------|--|----------|
| 3. ADDITIONAL FEES | | | | | |
| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| | | Fee Description | | Fee Description | |
| | | 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 130 |
| | | 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| | | 1053 130 | 1053 130 | Non-English specification | |
| | | 1812 2,520 | 1812 2,520 | For filing a request for reexamination | |
| | | 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| | | 1806 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| | | 1251 110 | 2251 55 | Extension for reply within first month | |
| | | 1252 420 | 2252 210 | Extension for reply within second month | |
| | | 1253 850 | 2253 475 | Extension for reply within third month | |
| | | 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| | | 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| | | 1401 330 | 2401 165 | Notice of Appeal | |
| | | 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| | | 1403 280 | 2403 145 | Request for oral hearing | |
| | | 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| | | 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| | | 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| | | 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| | | 1502 480 | 2502 240 | Design issue fee | |
| | | 1503 640 | 2503 320 | Plant issue fee | |
| | | 1460 130 | 1460 130 | Petitions to the Commissioner | |
| | | 1807 50 | 1807 50 | Petitions related to provisional applications | |
| | | 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| | | 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| | | 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | | 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | | 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| | | 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| | | Other fee (specify) | | | |
| | | *Reduced by Basic Filing Fee Paid | | | |
| | | SUBTOTAL (3) | | | |
| | | (\$)130 | | | |

SUBMITTED BY

| | | | | | |
|-------------------|--------------------------|-----------------------------------|--------|-----------|-----------------|
| Name (Print/Type) | Rosemarie L. Call | Registration No. (Attorney/Agent) | 42,397 | Telephone | 650-326-2400 |
| Signature | <i>Rosemarie L. Call</i> | | | Date | August 16, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

602B4844 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/788,666 | 02/27/2004 | Dale B. Schenk | 15270J-004746US |

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 3617

FORMALITIES LETTER



OC000000012945353

Date Mailed: 06/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$4032 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

08/17/2004 KBETEMA1 00000010 201430 10788666

| | | |
|--|------------|-----------|
| Total additional fee(s) required for this application is \$4932 for a Large Entity | 01 FC:1001 | 770.00 DA |
| | 02 FC:1002 | 378.00 DA |
| | 03 FC:1201 | 258.00 DA |
| | 04 FC:1203 | 290.00 DA |
| | 05 FC:1051 | 130.00 DA |

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.